



Decision Memorandum

Jule Mine Drilling Exploration



**USDA Forest Service, Northern Region
Nez Perce-Clearwater National Forests
North Fork Ranger District
Clearwater County, Idaho**

I. Background

The North Fork District Ranger proposes to approve the claimant's proposal for exploratory drilling in a previously disturbed area within the Orogrande Creek and Orofino Creek drainages located in the Nez Perce-Clearwater National Forests, Clearwater County, Idaho at Township 37 North, Range 6 East, Section 34 and T36N, R6E, Section 5, Boise Meridian (see attached map).

II. Purpose and Need

The purpose of the action is to test for gold values on unpatented mining claims. The need is to determine if sufficient quantities of valuable minerals exist to warrant further development of a mining operation.

The Forest Service is legally required to respond to the mining proponent's request to authorized mining based on a proposed plan of operations (36 CFR 228.4). The Forest Service is required to ensure that "operations are conducted, so as, where feasible, to minimize adverse environmental impacts" (36 CFR 228.8).

Forest-wide management direction in the Clearwater National Forest Plan related to this project can be found on pages II-20 to II-40 (USDA Forest Service, 1987). Direction for minerals includes the following applicable standards:

9. Minerals

- i. Provide for reasonable access for mineral prospecting, exploration, development, and production consistent with applicable management area direction.
- j. Require that mitigation measures be included in plans of operation for all mining activities, mineral related access roads, and processing facilities.

Management direction for minerals in Management Area (MA) E1 also apply to this project: Provide for access to and the orderly exploration, development and production of minerals and energy resources, while meeting Forest Plan direction for other resources.

III. Decision

I have decided to approve the mineral exploration Plan of Operations with the following terms and conditions for the Jule Mine Drilling Exploration project.

The claimant intends to drill two exploration holes at each of seven drilling sites, for a total of 14 drill holes. Each drill hole will extend approximately 600 ft. into the subsurface. Only one drill site will

be in operation at any given time. A sump will be dug at each site to contain drill fluids (comprised of water and a clay derivative) and to allow drill cuttings to settle out. The sumps will measure approximately 8 ft. wide by 8 ft. long and approximately 7 ft. deep. Drill holes and sumps will be reclaimed before moving on to the next drill site. An estimated 12-20 trees (≥ 7 inches DBH) will be removed to allow a track-mounted drill rig and ATVs access to the drill sites.

Equipment proposed for use includes a Termite hydraulic core drill, a water truck with pump and distribution lines, generator, air compressor, welder, jump tank for fuel containment, pickups, ATVs, a Lowboy, and a tractor.

Six of the seven drill sites are outside of an RHCA. For all drill sites, a 300 ft. buffer will be put in place for flowing streams and a 150 ft. buffer for intermittent streams. The drill site within the RHCA will avoid impacting the RHCA and RMOs by implementing the design criteria listed below, and following Best Management Practices (BMPs) for water quality and State of Idaho BMPs for Mining.

The claimant proposes to divert water from seasonal streams for drilling. Stream drawdown will not exceed 40% volume from the stream channel as dictated by the Forest Service's Inland Fish Strategy. Approval from the Idaho Department of Water Resources and the Forest Service will be required prior to any water being withdrawn. It is not anticipated additional permits would be required for this project. If additional permits are required, it would be the claimant's responsibility to obtain them, and they would need to be in place before work could begin.

The operators will camp on site which will include the use of camp trailers, tents, and portable toilets.

Reclamation of disturbed areas, other than drill holes and sumps (see above), will occur at the end of the field season. Reclamation will include construction of water bars, placement of riprap, seeding, lop and scatter, hay bales and other revegetation measures and erosion controls.

Access to the Drill Sites:

Drill Site #1: From Pierce head south on Highway 11 approximately 1.0 miles to Forest Service Road (FSR) 250, heading southeast for approximately 5.25 miles to FSR 542, then northeast 0.1 miles to FSR 5170 continuing 1.5 miles to FSR 5170C (open 6/15-9/30), then north 2.75 miles to Drill Site 1.

Drill Sites #2 - #4: From Pierce head south on Highway 11 approximately 1.0 miles to FSR 250, turning southeast onto FS 250, eventually head northeast for approximately 10 miles to the Jule Mine access road and Drill Sites 2 - 4.

Drill Sites #5 and #6: (See Drill Sites #2 - #4) Continue north on FSR 250 for approximately 0.25 miles turning northeast onto FSR 250M and drive 0.1 miles to FSR 250P then head north 0.1 miles to Drill Site #5. Starting at the junction of FSR 250P and FSR 250M, head northeast on FSR 250M for approximately 0.5 miles to Drill Site #6.

Drill Site #7: From Pierce head south on Highway 11 approximately 1.0 miles to FSR 250, turning southeast onto FSR 250, eventually heading northeast approximately 7.0 miles to FS 5160; turn west and drive approximately 1.25 miles to FSR 5278 (open 6/15 - 9/30), then turning east onto FSR 5278

drive approximately 1.5 miles to FSR 538. At FSR 538 access continue to the northwest for approximately 0.75 miles to Drill Site #7.

All appropriate Best Management Practices (BMPs) for water quality standards and weed control, and State of Idaho BMPs for mining will be followed. In addition, standard mitigation measures have been developed for mining and will be implemented as appropriate. As part of this decision, the claimant will be required to:

General:

1. Notify District Ranger or minerals administrator at least 48 hours before any work is to begin.
2. Do not begin operations until a field review is conducted by appropriate Forest Service personnel to verify placement of drill pads, water drafting site location, temporary access trail locations and ensure that acceptable ground conditions exist (no excessive saturation, high water, etc.).
3. Wash all vehicles and equipment used at the site before being brought onto National Forest system lands to prevent the spread of noxious weeds.
4. Avoid disturbance of wetlands and stream riparian zones.
5. Avoid working on saturated soils.
6. Prevent discharge of water into any live stream or wetland.
7. Place weed free straw bales or install silt fence in places as identified by a Forest Service representative to minimize sediment migration from stockpiles and/or raw earth.
8. Excess discharge from drilling operation will be collected in a trap or sump. Regulate discharge into the sump to prevent overtopping. To avoid overland flow, suspended or regulate drilling operation to allow infiltration to occur if the sump approaches capacity.
9. Obtain prior approval from the Forest Service for cutting or removal of trees or other large live vegetation. Downfall may be removed as needed.
10. All exploration related activities will be restricted to daylight hours.
11. Only one (1) drill pad will open at any one time.
12. Cover water pump intake hose with a 3/32" mesh screen.
13. Follow the State of Idaho Best Management Practices (BMPs) for all surface disturbing activities, reclamation, and abandonment. BMPs are outlined in the *Best Management Practices for Mining in Idaho (Idaho BMPs) (Idaho Department of Lands, et al. 1992)*.
14. Report accidents or injuries to the Forest Service within 24 hours.
15. Develop a hazardous materials and spill prevention plan and submit it to the District Ranger prior to operations.
16. Store no more than 30 gallons of fuel or oil in the project area. Store all fuel or oil in a secondary containment system that limits spills to the environment.
17. Use and maintain a sanitary facility (e.g., porta-potty or self-contained camper) at the project area while operations are ongoing.
18. Remove all equipment, garbage and trash resulting from the operation from National Forest system lands prior to November 30, the end of the regular operating season. This is to ensure that all equipment is removed from the site and reclamation is complete before the winter sets in. Dispose of garbage and trash at a State of Idaho approved site.
19. Comply with all applicable Federal and State fire laws and regulations and take all reasonable measures to prevent and suppress fires on the area of operations and require employees, contractors and subcontractors to do likewise (36 CFR 228.11).

Cultural Resources:

1. If previously undiscovered cultural resources (historic or prehistoric objects, artifacts, or sites) are exposed as a result of operations, cease operations until notification is received from a Forest Service archeologist or the District Ranger that the Forest Service and the operator has complied with provisions for mitigating unforeseen impacts as required by 36 CFR 228.4(e) and 36 CFR 800.

Reclamation:

1. Reclaim drill sites by:
 - a. Restoring subsoil and topsoil to existing natural ground contour.
 - b. Replanting beargrass clumps or other vegetation in topsoil.
 - c. Placing locally available slash and duff over topsoil and around beargrass clumps or other replanted vegetation.
 - d. Seeding and mulching disturbed areas with appropriate seed mix and certified weed free straw.
2. Perform reclamation concurrently with the operation. Test holes will be reclaimed as soon as practicable when testing is completed at a site.
3. A reclamation bond must be received for this proposal by the Forest Service before work can begin.

Design Criteria and Mitigation Measures

The project includes design criteria for water quality and wildlife. The items are not all-inclusive, as Forest Plan standards are incorporated by reference (USDA Forest Service 1987, as amended):

1. Where water is used to process mineral samples onsite using sump or settling ponds, place silt fences or other suitable erosion control devices between the pond and live waters (including streams, creeks, and wetlands) such that sediment laden water is not delivered directly to these waters.
2. Do not locate excavation pits and spoils piles (temporary or permanent) within any existing wetland.
3. Replant all disturbed soils as soon as possible to minimize soil erosion.
4. Avoid removing dead, dying, or downed coarse woody debris from any RHCA.
5. Where feasible, incorporate the existing woody debris and vegetation located onsite into the soil to maintain organic matter content and long-term soil productivity.
6. Do not construct structures (sheds, shelters, etc.) in any wetland or floodplain within the project area.
7. If existing native surface roads are used for access, reconstruct waterbars on the native surface project roads prior to the end of the operating season. Follow guidelines and typical drawings, as specified.
8. Do not remove, disturb, or damage any instream fish habitat structure (e.g., log jam, rock cluster, etc.). If it is necessary for prudent or safe operations to do so, notify the Forest such that the District or Forest fisheries biologist may inspect the proposed changes to fish habitat.
9. Do not locate onsite sanitation facilities closer than 50 feet to any lake, stream, river, or wetland; use spill prevention control and countermeasures so that effluent from the facility does not reach any lake, stream, river, or wetland.

10. If the total oil or oil products storage at a work site exceeds 1,320 gallons, or if a single container (e.g., fuel truck or trailer) exceeds a capacity of 660 gallons, the purchaser shall prepare and implement a Spill Prevention Control and Countermeasures (SPCC) Plan. The SPCC plan will meet applicable EPA requirements (40 CFR 112), including certification by a registered professional engineer. (SFP: FW-119, 120, 122).
11. Fence (snow fence, etc.) the perimeter of all sumps to deter large animals from falling in.

IV. Rationale for Decision and Reasons for Categorically Excluding the Decision

A. Category of Exclusion and Rationale for Using the Category

Based on information in this document and the project record, I have determined that no extraordinary circumstances affecting resource conditions exist (36 CFR 220.6), that this project may be categorically excluded from documentation in an EA or EIS, and that it meets all the criteria outlined for 36 CFR 220.6(e)(8) *Short-term (one year or less) mineral, energy, or geophysical investigations and their incidental support activities that may require cross-country travel by vehicles and equipment, construction of less than one mile of low standard road, or use and minor repair of existing roads.*

The rationale for my decision is based on: (1) the proposed action fully meeting the criteria for Categorical Exclusions, (2) the proposed action meeting the purpose and need, (3) the findings related to extraordinary circumstances, discussed below, (4) the project's consistency with laws and regulations, including the Forest Plan, and (5) my review of the Biological Assessments (BA), Biological Evaluations (BE), specialists' reports, and project record.

B. Finding of the Absence of Adverse Significant Effects to Extraordinary Circumstances

Based on the findings for resource conditions described below, I have determined that no extraordinary circumstances are associated with my decision. Forest Service direction at 36 CFR 220.6(b) describes the resource conditions that should be considered in determining whether extraordinary circumstance related to the proposed action warrant further analysis and documentation in an EIS or EA.

Additionally, 36 CFR 220.6(b) states, "*The mere presence of one of more of these resource conditions does not preclude use of a categorical exclusion. It is the existence of a cause-effect relationship between a proposed action and the potential effect on these resource conditions and if such a relationship exists, the degree of the potential effect of a proposed action on these resource conditions that determines whether extraordinary circumstances exist.*"

1. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.

The Forest Interdisciplinary Team (IDT) Botanist determined the project would have "no effect" to federally listed species and/or their habitats. The project may impact Payson's milkvetch and Idaho barren strawberry, R1 Sensitive species; however, both species do well in open disturbed habitats and the project may benefit these early seral species.

The IDT Wildlife Biologist determined the proposed action will have "no effect" to Canada lynx and "no jeopardy" to North American wolverine or their habitats. Any effects, primarily disturbance from mining activities and human presence, to R1 Sensitive species would be minor and of short duration.

The IDT Fish Biologist determined the proposed actions would have “no effect” to federally listed fish species or designated critical habitat and “no impact” on R1 Sensitive species or their habitats.

Based on the above assessment, no extraordinary circumstances were identified for these resources. The analyses are available in the project record.

2. Floodplains, wetlands, or municipal watersheds.

The Forest Hydrologist has determined floodplains, wetlands, or municipal watersheds are not present in the project area, therefore no significant adverse effects to these resources are expected for this project. The project is consistent with all applicable State and Federal water quality laws and with soil and water standards in the Clearwater National Forest Plan, including the PACFISH amendment. Based on this analysis, no extraordinary circumstances were identified regarding floodplains, wetlands, and municipal watersheds.

3. Congressionally designated areas, such as wilderness, wilderness study areas or national recreation areas.

The project area is not located in any congressionally designated area, and therefore, no extraordinary circumstances were identified to these resources.

4. Inventoried Roadless areas or potential wilderness areas.

The project is not located within any Roadless Areas or potential wilderness areas, and therefore, no extraordinary circumstances were identified to these resources.

5. Research Natural Areas.

The project area is not located in any research natural area, and therefore, no extraordinary circumstances were identified to this resource.

6. American Indians and Alaska native religious or cultural sites.

An appropriate inventory has been conducted for the above project and cultural resources are known to be located within the area of potential effects. Concurrence from the Idaho SHPO is thus required, however, the Forest Cultural Resource Specialist has made a preliminary determination that the project will have *no adverse effect* to these properties because:

- The cultural resources are not eligible for the National Register of Historic Places.

7. Archaeological sites, or historical properties or areas.

The Idaho State Historic Preservation Officer, or the Forest Archaeologist via the use of the North Idaho Programmatic Agreement, has determined that no archaeological or historic property will be adversely affected by this project. Therefore, no extraordinary circumstances were identified to these resources

V. Interested and Affected Agencies, Organizations, and Persons Contacted

On August 16, 2013, letters providing information and seeking public comment were mailed to individuals, organizations, a variety of state and local agencies, and the Nez Perce and Coeur d’Alene Tribes. Project information was also available at <http://www.fs.usda.gov/nezperce> under NEPA projects. A legal notice appeared in the *Lewiston Tribune* on August 21, 2013, inviting comments for 30 days from publication. Five organizations provided comments during the public comment period, and their comments are addressed in Appendix A. Original letters are available in the project record.

VI. Findings Required by Other Laws

Based on my review of the actions associated with this project, I find that the Jule Mine Drilling Exploration Project is consistent with applicable Federal laws and regulations.

Federal Land Policy and Management Act: These actions are consistent with the Federal Lands Management Policy Act because they recognize the Nation's need for domestic sources of minerals. Additionally, design features and mitigation measures ensure compliance with this act.

National Forest Management Act and Nez Perce National Forest Plan: These actions are consistent with the Clearwater National Forest Plan (USDA Forest Service 1987), as amended, as required by the National Forest Management Act of 1976 because they follow the standards and guidelines contained in those plans.

PACFISH/INFISH Riparian Habitat Conservation Areas (RHCAs): All activities associated with the proposed action comply with direction regarding PACFISH/INFISH because no adverse effects to riparian wildlife or fish species or habitat are anticipated. One drill site is located within an RHCA; however, riparian management objectives (RMOs) are not expected to be affected due to a 300 ft. buffer for flowing streams and a 150 ft. buffer for intermittent streams buffers. Because of the nature of the proposed activities (exploratory drilling with small sumps), site conditions, and design criteria, mitigation and BMPs, sediment is not expected to reach any stream. Appropriate design criteria, mitigation and BMPs will prevent any effects to water quality. All ground disturbance will be restricted to an area that has been disturbed in the past, and RMOs will be maintained.

Clean Air Act: This project will comply with the provisions of the Clean Air Act, and the rules, regulations, and permit procedures of the Environmental Protection Agency (EPA) and the Idaho Department of Environmental Quality (IDEQ). No prescribed burning or other activity with the potential to significantly affect air quality is proposed.

Clean Water Act and State Water Quality Laws: The Forest Hydrologist has determined that the project complies with the Clean Water Act, and all State and Federal water quality laws because project Design Criteria and BMPs have been included to protect water resources, and it will have no notable effects to the water quality of Fall Creek or downstream waters.

Endangered Species Act: A Forest Service Fish Biologist, Wildlife Biologist, and Botanist evaluated the proposed action with regard to the Endangered Species Act, as documented in the Biological Assessments, Biological Evaluations, and specialist's reports, and determined this project is consistent with the Endangered Species Act.

Migratory Bird Treaty Act: This project complies with the Migratory Bird Treaty Act since it will result in no substantial loss of migratory bird habitat, nor will there be any measurable impact(s) on Neotropical migratory bird populations as a whole.

The project complies with the U.S. Fish and Wildlife Service Order #131 related to the applicability of the Migratory Bird Treaty Act to federal agencies and requirements for permits for "take." In addition, the project complies with Executive Order 13186 because the analysis meets agency obligations as defined under the January 16, 2001 Memorandum of Understanding between the Forest Service and U.S. Fish and Wildlife Service designed to complement Executive Order 13186.

National Historic Preservation Act: The Forest Cultural Resource Specialist has made a determination that the project will have *no adverse effect* to the existing property because the cultural resource is not eligible for the National Register of Historic Places. Therefore, this project meets the

agency's responsibilities under the National Historic Preservation Act (16 USC 470), as amended, and is consistent with the *Programmatic Agreement between the Idaho State Historic Preservation Officer, the Advisory Council on Historic Preservation and the Region 1 National Forests in Northern Idaho Regarding the Management of Cultural Resources*.

American Indian Treaty Rights: The Nez Perce and Coeur d'Alene Tribal staffs have had the opportunity to review the project for impacts to Nez Perce/Coeur d'Alene Tribe Treaty rights or Nez Perce/Coeur d'Alene Tribal members' abilities to exercise those rights. The Nez Perce and Coeur d'Alene Tribes did not identify any concerns regarding their Treaty Rights.

Environmental Justice: The proposed actions will not disproportionately impact consumers, Native American Indians, women, low-income populations, other minorities, or civil rights of any American Citizen in accordance with Executive Order 12898. No disproportionate impacts to minority or low-income populations were identified during scoping or the effects analysis.

Prime Farm Land, Range Land, and Forest Land: The proposed actions comply with the Federal Regulations for prime land. The definition of "prime" forest land does not apply to lands within the National Forest System. The project area does not contain any prime range land or farm land. Federal lands will be managed with appropriate sensitivity to the effects on adjacent lands.

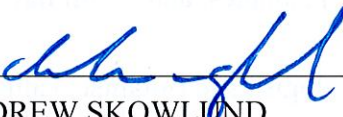
Energy Requirements: No unusual energy demands are required to implement the proposed actions.

Other Laws or Requirements: The proposed actions are consistent with all other Federal, State, or local laws or requirements for the protection of the environment and cultural resources.

VII. Contact Person

Questions regarding this decision should be sent to Jeff Chynoweth, Small NEPA Team Coordinator, c/o Nez Perce-Clearwater NFs Supervisor's Office, 903 Third Street, Kamiah, Idaho 83536; 208-935-4260 or FAX 208-935-4275.

VIII. Signature of Deciding Officer



ANDREW SKOWLUND
North Fork District Ranger



Date

cc: Rebecca Anderson

Enclosure: Map

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Map of Jule Mine Drilling Exploration Project



